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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,820	10/08/2003	Tomoyuki Nakano	9319S-000558	6626
27572	7590	07/05/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303				NGUYEN, DUNG T
ART UNIT		PAPER NUMBER		
		2871		

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/681,820	NAKANO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dung Nguyen	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 March 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 6-11, 13 and 15-17 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5, 12 and 14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/05; 12/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of group I (claims 1-5, 7, 12 and 14) in the reply filed on 03/29/2006 is acknowledged. The traversal is on the ground(s) that claim 13 is directed to an electro-optic device manufacturing according to the method recite in claim 1; these inventions are not independent and distinct from one another; lastly all groups of claims are sufficiently related to each other that an undue burden to maintain all groups in a single application. This is not found persuasive because the product claim as in claim 13 can be formed by a different method from claim 1 (noted that the limitation of exposed, using mask have not been given patentable weight); in addition, Applicant provides no evidence to support such contention all groups are not independent and distinct from one another and/or sufficiently related to each other. On the other hands, the Examiner has demonstrated a "serious burden" by showing a separate classification for the two groups, so as the restriction requirement is proper.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Narutaki et al., US Patent No. 6,215,538.

The above claims are anticipated by Narutaki et al figures 1A-1B, 15A-15B and accompanying text which disclose an electrooptic device (LCD device) and a manufacturing method of the same having a reflective layer (3), a color layer (11) overlapping the reflective layer (see figure 1B), wherein the color layer is exposed using a mask ((col. 6, ln 49) and the mask has a pattern having a two-dimensional shape with no corner (see figure 15A-B).

It should be noted that the method of for manufacturing the device is merely a list of forming each component and each component must be formed to make the device; therefore, the method of for manufacturing would be inherent to the device.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5 and 12are rejected under 35 U.S.C. 103(a) as being unpatentable over Narutaki et al., US Patent No. 6,215,538.

Regarding claims 4 and 5, Narutaki et al. disclose the claimed invention as described above except for the mask has a polygonal two dimensional pattern. It would have been an obvious to one having ordinary skill in the art at the time the invention was made to employ a polygonal shape pattern corresponding to the reflective layer since the examiner takes Office Notice of the equivalence of such mask pattern without corner or polygonal shape pattern for

their use in the display art and the selection of any of these known equivalents for the purposes of color adjusting would be within the level of ordinary skill in the art.

Regarding claim 12, Narutaki et al. disclose the claimed invention as described above except for a control means for controlling the device. It would have been obvious to one skilled in the art at the time of the invention was made to employ a controller, since it is a common practice in the art for driving and controlling a display device.

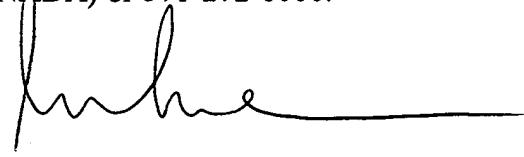
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Nguyen whose telephone number is 571-272-2297. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571-272-1782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DN  
06/26/2006



*Dung Nguyen*  
*Primary Examiner*  
*Art Unit 2871*